

REMARKS

A. CLAIM REJECTIONS UNDER 35 USC § 102

Claims 1-10, 12-14, and 16-20 were rejected under 35 USC §102(e) as allegedly being anticipated by Bolourchi et al. (Pub. No. US 2002/0170013, hereinafter “Bolourchi”). Applicants respectfully disagree and traverse these rejections.

As the Applicants have pointed out in their previous responses, each of the claims of the present invention include the feature of modifying one or more prescribed fields in an existing media access control (MAC) channel. In contrast, Bolourchi modifies its messages in the physical layer (see paragraphs [0058 and 0059]; “The physical layer generates the CRC and applies the UE ID for forwarding with the message...as a data burst. The message is then transmitted from the node B (base station) to the UE (mobile)”); words in parentheses added).

Though it appears a “control message” is generated in the MAC layer of Bolourchi, this message is then sent to the physical layer where it is further modified before being sent back to the MAC layer.

In the Final Office Action the Examiner appears to be taking the position (the Examiner’s comments are, it is respectfully submitted, hard to understand) that paragraphs [0058] and [0059] of Bolourchi disclose modifications within the MAC layer. This is inaccurate. Rather, as set forth above and in paragraph [0058], “the physical layer generates the CRC and applies the UE ID”. Further, it is within the physical layer that “the UE ID and the CRC are checked to determine if they are correct” (see paragraph [0058]); the corrections do not occur in the MAC layer. In sum, the claimed MAC layer modifications do not appear to be disclosed or suggested by the disclosure in Bolourchi.

Because Bolourchi fails to disclose each and every feature of the claimed inventions, Bolourchi cannot provide a basis for a rejection under 35 USC §102. Reconsideration, withdrawal of the rejections and allowance of claims 1-10, 12-14 and 16-20 is respectfully requested.

B. CLAIM REJECTION UNDER 35 USC § 103

Claim 11 stands rejected under 35 USC §103 as being unpatentable over Bolourchi in view of Willenegger (Pub. No. US 2002/0110181) (“Willenegger”). Applicants respectfully disagree and traverse this rejection.

Applicants respectfully submit that claim 11 is dependent on claim 1 and is therefore patentable over Bolourchi, taken separately or in combination with Willenegger, for at least the reasons discussed above because Willenegger does not make up for the deficiencies of Bolourchi.

Accordingly, Applicants respectfully submit that the subject matter of claim 11 would not have been obvious to one of ordinary skill in the art upon reading the disclosures of Bolourchi and Willenegger as of the date the present application was filed. Applicants respectfully request withdrawal of the pending rejection and allowance of claim 11.

C. ENTRY OF THIS REQUEST FOR RECONSIDERATION

Entry of this Request is solicited because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or consideration; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

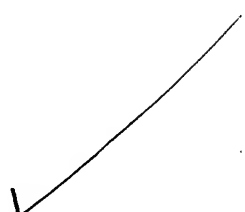
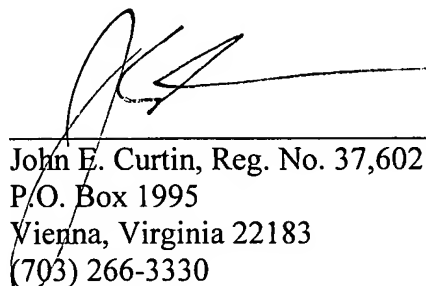
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330